



December 23, 2022

Michael Adam Samuels  
212.915.5735 (direct)  
michael.samuels@wilsonelser.com

VIA CM/ECF ELECTRONIC FILING  
Honorable Judge John G. Koeltl  
United States District Court for the SDNY  
500 Pearl Street  
New York, NY 10007

*The time to respond to the motion to dismiss is stayed pending further order of the Court. so ordered.*

Re: *Bank of America, N.A. v. City View Blinds of N.Y. Inc., et al.*  
Case No. 22-cv-09871-JGK/Request for Stay of Respondents' Motion

*12/23/22 JG 6/6/22 U.S.D.C.*

Dear Judge Koeltl:

My firm is counsel to the Petitioner Bank of America, N.A. (the "**Petitioner**" or "**BofA**"). On November 18, 2022, this action was commenced by the filing of a Verified Petition seeking the turnover of funds restrained pursuant to a judgment entered in favor of BofA in an action entitled *Bank of America v. City View Blinds of N.Y. Inc., et al.*, Case No. 20-cv-9911-SLC (S.D.N.Y.) (the "**Original Action**").

Today, counsel to the respondents City View Blinds of N.Y. Inc., Cosmopolitan Interior NY Corporation, JLM Decorating NYC Inc., Cosmopolitan Interior Florida Corp., and Moshe Gold (the "**Judgment Debtors**") and Raizy Gold ("**Raizy**"), filed a Motion to Dismiss this action (the "**Motion to Dismiss**") (ECF, Doc. 42), without first seeking a pre-motion conference required under II.B of Your Honor's Individual Rules.

Pending the completion of a pre-motion conference and the determination of any briefing schedule which may be set by the Court, Petitioner respectfully requests that the Court stay any requirement for the Petitioner to respond to the Motion to Dismiss.

Among the issues to be addressed at a pre-motion conference which are relevant to the Motion to Dismiss are: (i) the fact that Petitioner has already filed a motion to dismiss or stay the state court proceeding which is the basis for the Motion to Dismiss; and (ii) the fact that none of the corporate entity Judgment Debtors are parties to that state court proceeding.

Respectfully submitted,

/s/Michael Adam Samuels  
Michael Adam Samuels

cc: To all counsel of record (via ECF)

150 East 42nd Street • New York, NY 10017 • p 212.490.3000 • f 212.490.3038

Albany • Austin • Baltimore • Beaumont • Boston • Chicago • Dallas • Denver • Edwardsville • Garden City • Hartford • Houston • Kentucky • Las Vegas • London  
Los Angeles • Miami • Michigan • Milwaukee • New Jersey • New Orleans • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Virginia  
Washington, DC • West Palm Beach • White Plains

[wilsonelser.com](http://wilsonelser.com)

278572403v.2